
PROGRAM NARRATIVE

188 COMMISSION ON LEGAL COUNSEL FOR INDIGENTS

Date: 12/13/2006

Time: 11:42:01

Program: COUNSEL FOR INDIGENTS-DISTRICTS	Reporting Level: 00-188-010-00-00-00-00000000
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PROGRAM PERFORMANCE MEASURES

The attorneys need to have malpractice insurance and comply with the rules of the North Dakota State Bar Association and Rules of Professional Conduct. When the Commission has adopted "Minimum Standards", they will need to comply with those as well

PROGRAM STATISTICAL DATA

In 2005, there were approximately 726 "off-contract" assignments for felonies and misdemeanors. The attorneys in this program report their hours and case assignments to the administrative office.

EXPLANATION OF PROGRAM COSTS

The vast majority of the costs of this program include fees for the "non-contract" attorneys and their support services, referred to as "professional services". There are some travel costs, defense witness costs, and transcripts. Attorneys are paid at the rate of \$65.00 per hour which is very much in line with what contractors get paid across the nation with indigent defense commissions. These costs can vary erratically, depending on how many conflicts come up in any given area, and how serious the cases are. The epidemic of methamphetamine-related crimes, which brings with it inherent conflicts in both criminal and juvenile court, strongly affect these budget numbers.

PROGRAM GOALS AND OBJECTIVES

The goal of this program is to provide licensed counsel for indigents who qualify for appointed counsel throughout the state from attorneys who are on "off contract" with the Commission. Providing licensed counsel also involves support services for those counsel including private investigators, doctors, evaluations, and other support services in any given case. These attorneys would also be the "conflict" attorneys for areas where there are public defender offices.

REQUEST DETAIL BY PROGRAM**188 COMMISSION ON LEGAL COUNSEL FOR INDIGENTS**
Biennium: 2007-2009**Bill#: HB1023****Date: 12/13/2006****Time: 11:42:01**

Program: COUNSEL FOR INDIGENTS-DISTRICTS		Reporting Level: 00-188-010-00-00-00-00000000			
Description	Expenditures 2003-2005 Biennium	Present Budget 2005-2007	Budget Request Change	Requested Budget 2007-2009 Biennium	Optional Request 2007-2009

SPECIAL LINES

Legal Counsel for Indigents

TOTAL

366,307	993,653	-290,353	703,300	0
366,307	993,653	-290,353	703,300	0

SPECIAL LINES

GENERAL FUND

FEDERAL FUNDS

SPECIAL FUNDS

TOTAL

349,327	993,653	-290,353	703,300	0
0	0	0	0	0
16,980	0	0	0	0
366,307	993,653	-290,353	703,300	0

PROGRAM FUNDING SOURCES

SPECIAL FUNDS

GENERAL FUND

FEDERAL FUNDS

PROGRAM FUNDING TOTAL

16,980	0	0	0	0
349,327	993,653	-290,353	703,300	0
0	0	0	0	0
366,307	993,653	-290,353	703,300	0

FTE EMPLOYEES

.00	.00	.00	.00	.00
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FUNDING DETAIL**GENERAL FUND**

349,327	993,653	-290,353	703,300	0
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SPECIAL FUNDS

282 Indigent Defense Admin. Fund

TOTAL

16,980	0	0	0	0
16,980	0	0	0	0

CHANGE PACKAGE DETAIL**188 COMMISSION ON LEGAL COUNSEL FOR INDIGENTS****Bill#: HB1023****Date: 12/13/2006****Biennium: 2007-2009****Time: 11:42:01**

PROGRAM: COUNSEL FOR INDIGENTS-DISTRICTS		REPORTING LEVEL: 00-188-010-00-00-00-00000000			
Description	FTE	General Fund	Federal Funds	Special Funds	Total Funds

AGENCY BUDGET CHANGES

Cost To Continue	.00	0	0	0	0
1 District Ct Out-of-Contract Program Change Packag	.00	-290,353	0	0	-290,353
Agency Total	.00	-290,353	0	0	-290,353

PROGRAM NARRATIVE

188 COMMISSION ON LEGAL COUNSEL FOR INDIGENTS

Date: 12/13/2006

Time: 11:42:01

Program: COUNSEL FOR INDIGENTS-JUVENILE

Reporting Level: 00-188-011-00-00-00-00000000

PROGRAM PERFORMANCE MEASURES

The attorneys need to have malpractice insurance and comply with the rules of the North Dakota State Bar Association and Rules of Professional Conduct. When the Commission has adopted "Minimum Standards", they will need to comply with those as well.

PROGRAM STATISTICAL DATA

In 2005, there were approximately 199 "off-contract" juvenile cases assigned to counsel.

EXPLANATION OF PROGRAM COSTS

The vast majority of the costs of this program include fees for the "non-contract" attorneys and their support services, referred to as "professional services". There are some travel costs, defense witness costs, and transcripts (note: transcripts can get fairly expensive in Juvenile Court due to Termination of Parental Right cases which are commonly appealed). Attorneys are paid at the rate of \$65.00 per hour which is very much in line with what contractors get paid across the nation with indigent defense commissions. The costs of attorney time and support services can vary erratically, depending on how many conflicts come up in any given area, and how serious the cases are.

PROGRAM GOALS AND OBJECTIVES

The goal of this program is to provide licensed counsel for indigents, both parents and children, who qualify for appointed counsel throughout the state from attorneys who are "off contract" with the Commission. Providing licensed counsel also involves support services for those counsel including private investigators, doctors, evaluations, and other support services in any given case. These attorneys would also be the "conflict" attorneys for areas where there are public defender offices.

REQUEST DETAIL BY PROGRAM

188 COMMISSION ON LEGAL COUNSEL FOR INDIGENTS
Biennium: 2007-2009

Bill#: HB1023

Date: 12/13/2006

Time: 11:42:01

Program: COUNSEL FOR INDIGENTS-JUVENILE		Reporting Level: 00-188-011-00-00-00-00000000			
Description	Expenditures 2003-2005 Biennium	Present Budget 2005-2007	Budget Request Change	Requested Budget 2007-2009 Biennium	Optional Request 2007-2009

SPECIAL LINES

Legal Counsel for Indigents	158,535	220,611	-5,361	215,250	0
TOTAL	158,535	220,611	-5,361	215,250	0

SPECIAL LINES

GENERAL FUND	158,340	220,611	-5,361	215,250	0
FEDERAL FUNDS	0	0	0	0	0
SPECIAL FUNDS	195	0	0	0	0
TOTAL	158,535	220,611	-5,361	215,250	0

PROGRAM FUNDING SOURCES

GENERAL FUND	158,340	220,611	-5,361	215,250	0
FEDERAL FUNDS	0	0	0	0	0
SPECIAL FUNDS	195	0	0	0	0
PROGRAM FUNDING TOTAL	158,535	220,611	-5,361	215,250	0

FTE EMPLOYEES	.00	.00	.00	.00	.00
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FUNDING DETAIL

GENERAL FUND	158,340	220,611	-5,361	215,250	0
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SPECIAL FUNDS

282 Indigent Defense Admin. Fund	195	0	0	0	0
TOTAL	195	0	0	0	0

CHANGE PACKAGE DETAIL

188 COMMISSION ON LEGAL COUNSEL FOR INDIGENTS
Biennium: 2007-2009

Bill#: HB1023

Date: 12/13/2006

Time: 11:42:01

PROGRAM: COUNSEL FOR INDIGENTS-JUVENILE		REPORTING LEVEL: 00-188-011-00-00-00-00-00000000			
Description	FTE	General Fund	Federal Funds	Special Funds	Total Funds

AGENCY BUDGET CHANGES

Cost To Continue	.00	0	0	0	0
2 Juvenile Ct Out-of-Contract Program Change Packag	.00	-5,361	0	0	-5,361
Agency Total	.00	-5,361	0	0	-5,361

PROGRAM NARRATIVE

188 COMMISSION ON LEGAL COUNSEL FOR INDIGENTS

Date: 12/13/2006

Time: 11:42:01

Program: COUNSEL FOR INDIGENTS-CONTRACTS
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Reporting Level: 00-188-012-00-00-00-00000000

PROGRAM PERFORMANCE MEASURES

The attorneys need to have malpractice insurance and comply with the rules of the North Dakota State Bar Association and Rules of Professional Conduct. When the Commission has adopted "Minimum Standards", they will need to comply with those as well. The contract counsel has contractual terms regarding training and other mandates they need to follow. They have reporting requirements.

PROGRAM STATISTICAL DATA

In 2005, there were approximately 8,410 assignments of cases made to contract counsel. Those included felonies, misdemeanors, juvenile, and civil matters.

EXPLANATION OF PROGRAM COSTS

The vast majority of costs for this program are the monthly contract fees. These are ongoing, continuing costs of the agency from year to year, depending on how many contracts are in place. Support services for the attorneys, such as private investigators, doctor expenses, evaluations, and transcripts, are significant as well. There are indigent defense fees for travel, witness fees, interpreter fees, and miscellaneous matters that may come up.

PROGRAM GOALS AND OBJECTIVES

The goal of this program is to provide licensed counsel for indigents who qualify for appointed counsel throughout the state from attorneys who hold "contracts" with the commission. These attorneys are paid on a monthly basis, no matter what their case assignments are for the month. The contracts provide language regarding extra-ordinary professional expenses and what overhead items are covered in the contract payment. The goal is to provide experienced, competent attorneys capable of taking aggressive but manageable caseloads.

REQUEST DETAIL BY PROGRAM

188 COMMISSION ON LEGAL COUNSEL FOR INDIGENTS
 Biennium: 2007-2009

Bill#: HB1023

Date: 12/13/2006

Time: 11:42:01

Program: COUNSEL FOR INDIGENTS-CONTRACTS		Reporting Level: 00-188-012-00-00-00-00000000			
Description	Expenditures 2003-2005 Biennium	Present Budget 2005-2007	Budget Request Change	Requested Budget 2007-2009 Biennium	Optional Request 2007-2009

SPECIAL LINES

Legal Counsel for Indigents	4,156,184	5,698,817	-127,805	5,571,012	0
TOTAL	4,156,184	5,698,817	-127,805	5,571,012	0

SPECIAL LINES

GENERAL FUND	3,548,334	4,478,817	-608,510	3,870,307	0
FEDERAL FUNDS	0	0	0	0	0
SPECIAL FUNDS	607,850	1,220,000	480,705	1,700,705	0
TOTAL	4,156,184	5,698,817	-127,805	5,571,012	0

PROGRAM FUNDING SOURCES

GENERAL FUND	3,548,334	4,478,817	-608,510	3,870,307	0
FEDERAL FUNDS	0	0	0	0	0
SPECIAL FUNDS	607,850	1,220,000	480,705	1,700,705	0
PROGRAM FUNDING TOTAL	4,156,184	5,698,817	-127,805	5,571,012	0

FTE EMPLOYEES	.00	.00	.00	.00	.00
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FUNDING DETAIL

GENERAL FUND	3,548,334	4,478,817	-608,510	3,870,307	0
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SPECIAL FUNDS

282 Indigent Defense Admin. Fund	607,850	1,220,000	480,705	1,700,705	0
TOTAL	607,850	1,220,000	480,705	1,700,705	0

CHANGE PACKAGE DETAIL

188 COMMISSION ON LEGAL COUNSEL FOR INDIGENTS
Biennium: 2007-2009

Bill#: HB1023

Date: 12/13/2006

Time: 11:42:01

PROGRAM: COUNSEL FOR INDIGENTS-CONTRACTS		REPORTING LEVEL: 00-188-012-00-00-00-00-00000000			
Description	FTE	General Fund	Federal Funds	Special Funds	Total Funds

AGENCY BUDGET CHANGES

Cost To Continue	.00	0	0	0	0
3 Contracts Program Change Package	.00	-608,510	0	480,705	-127,805
Agency Total	.00	-608,510	0	480,705	-127,805

PROGRAM NARRATIVE

188 COMMISSION ON LEGAL COUNSEL FOR INDIGENTS

Date: 12/13/2006

Time: 11:42:01

Program: COUNSEL FOR INDIGENTS-ADMINISTRATION

Reporting Level: 00-188-013-00-00-00-00000000

PROGRAM PERFORMANCE MEASURES

The Commission oversees the administrative office and evaluates the Director, who, in turn, evaluates staff of the Administrative Office, including the staff of the public defender offices. The goal is to meet statutory requirements and mandates. The attorneys, both in the Valley City office and in the public defender offices, have to meet the rules of the North Dakota State Bar Association and the Rules of Professional Conduct. When the Commission adopts the “Minimum Standards” for attorneys’ standard, they will need to comply with that, too, when accepting case appointments.

PROGRAM STATISTICAL DATA

In 2005, there were approximately 9,344 case assignments in North Dakota which required an appointed attorney. Approximately 3,700 were for felonies, 3,600 were for misdemeanors, 1,850 for juvenile cases, and 200 for miscellaneous matters. Prior to 2006, these attorneys were appointed by the Court, and after January 1, 2006, appointed by the Commission. There are seven full-time public defender attorneys doing criminal/juvenile cases in the Northwest and Southwest Judicial Districts, one para-legal in Minot, and approximately 42 independent contractors providing legal services for defendants and respondents in the state. There are also attorneys hired as independent contractors on a case-by-case basis throughout the state, depending on the need.

The state-wide average reported hours an attorney worked on a case in 2005 was 5.4 for felonies, 4.1 for misdemeanors, and 3.7 for juvenile cases. Those numbers are significantly less than what the national statistics recommend, and it appears from our brief time in gathering statistics, that those numbers will increase in 2006 and for the next biennium.

EXPLANATION OF PROGRAM COSTS

The program employs 14 full-time and 1 part-time staff. The salary and wages line item includes a significant percentage of the expenditures. Of the remaining expenditures, items associated with all of the public defender offices and all of the judicial districts which are not only directly related to them singly, like training or case management systems, are placed in the “administration” program. Other costs include administration office IT costs, professional fees for the nine attorneys, and travel, which is significant not only for the Valley City attorneys (Director and Deputy), but for other attorneys, as well, who have to travel in the entire district where they are located. There will also be consultant and contracting fees associated with this program for professional persons.

PROGRAM GOALS AND OBJECTIVES

The Commission's administrative functions are handled by its Director, Deputy Director, Administrative Officer and part-time secretary at its Valley City office. One goal of the administrative office is to gather statistics from the contractors and public defender attorneys, including the time they spend on cases and the number of cases to which they are assigned, and to make sure that indigent defendants are assigned licensed counsel as soon as possible when they request an attorney in any district or juvenile court in North Dakota.

The administrative office has a goal of being accountable with bills that come in and are paid out and to meet standard accounting procedures as adopted by the OMB. The goal is to meet the needs of clients who need attorneys and attorney support services, such as private investigators, doctors, evaluations, etc., but also to be fiscally responsible and oversee that bills are reasonable and meet accounting practices.

Currently, OMB is providing personnel support in terms of payroll and personnel issues, but that may change in the upcoming year so that the administrative office is responsible for these major functions. The goal of the administrative office is to manage its staff (including staff in outlying public defender offices) in a manner acceptable to the Human Resource Department and the OMB of North Dakota.

The North Dakota Attorney General has assigned an assistant to assist the administrative office with legal questions and issues.

This program also covers the public defender offices which are in Minot, Williston, and Dickinson, and employ 11-full time persons. The administrative program covers, then, 14 full-time and 1 part-time staff.

REQUEST DETAIL BY PROGRAM**188 COMMISSION ON LEGAL COUNSEL FOR INDIGENTS**
Biennium: 2007-2009**Bill#: HB1023****Date: 12/13/2006****Time: 11:42:01**

Program: COUNSEL FOR INDIGENTS-ADMINISTRATION		Reporting Level: 00-188-013-00-00-00-00000000			
Description	Expenditures 2003-2005 Biennium	Present Budget 2005-2007	Budget Request Change	Requested Budget 2007-2009 Biennium	Optional Request 2007-2009

SPECIAL LINES

Legal Counsel for Indigents

0	2,867,488	672,708	3,540,196	1,678,794
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TOTAL

0	2,867,488	672,708	3,540,196	1,678,794
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SPECIAL LINES

GENERAL FUND

0	2,867,488	672,708	3,540,196	1,678,794
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FEDERAL FUNDS

0	0	0	0	0
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SPECIAL FUNDS

0	0	0	0	0
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TOTAL

0	2,867,488	672,708	3,540,196	1,678,794
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PROGRAM FUNDING SOURCES

SPECIAL FUNDS

0	0	0	0	0
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GENERAL FUND

0	2,867,488	672,708	3,540,196	1,678,794
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FEDERAL FUNDS

0	0	0	0	0
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PROGRAM FUNDING TOTAL

0	2,867,488	672,708	3,540,196	1,678,794
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FTE EMPLOYEES

.00	19.00	.00	19.00	10.00
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FUNDING DETAIL**GENERAL FUND**

0	2,867,488	672,708	3,540,196	1,678,794
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CHANGE PACKAGE DETAIL

188 COMMISSION ON LEGAL COUNSEL FOR INDIGENTS
Biennium: 2007-2009

Bill#: HB1023

Date: 12/13/2006

Time: 11:42:01

PROGRAM: COUNSEL FOR INDIGENTS-ADMINISTRATION		REPORTING LEVEL: 00-188-013-00-00-00-00000000			
Description	FTE	General Fund	Federal Funds	Special Funds	Total Funds

AGENCY BUDGET CHANGES

Cost To Continue	.00	1,281,206	0	0	1,281,206
4 Administration Program Change Package	.00	-608,498	0	0	-608,498
Agency Total	.00	672,708	0	0	672,708

OPTIONAL REQUEST

5 Optional Change Package	10.00	1,678,794	0	0	1,678,794
Optional Total	10.00	1,678,794	0	0	1,678,794